FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance to permit a side yard setback of 8 feet in lieu of the minimum required 10 feet and a rear yard setback of 27 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documenta-

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE A IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30 day of December, 1990 that the Petition for Residential Variance to permit a side yard setback of 8 feet in lieu of the minimum required 10 feet and a rear yard setback of 27 feet in lieu of the required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Zoning Commissioner for Baltimore County

JRH:bjs

AFFIDAVIT in support of residential zoning variance 91-183-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

Raltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

regard thereto. That the Affiant(s) does/do presently or upon settlement will reside at 9531 Horn Ave. Baltimore MD 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

KEITH E. VERGER
AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

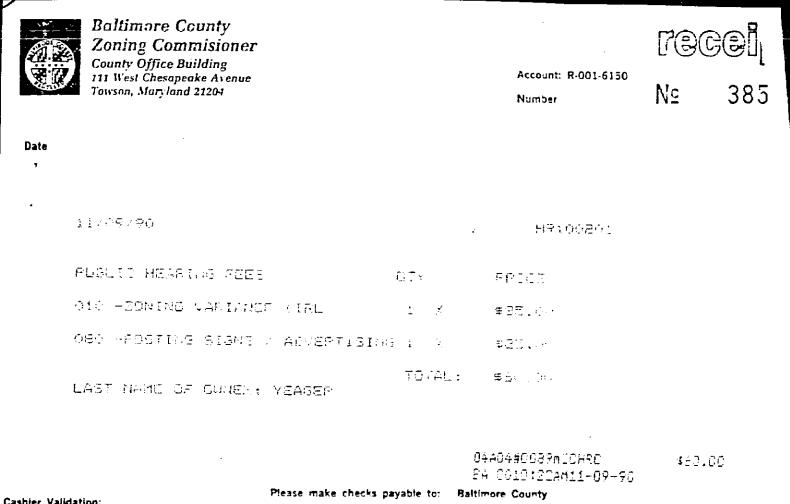
Kith & Graph and Terri L. Grapir the Affiant(s) herein, personally known or satisfactorily identified to be as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

91-183-A

BEGINNING AT A FUINT ON THE MOMERCASE SIDE OF MISH AREGUE WHICH IS 10' WIDE AT THE DISTANCE OF 170 SCOTTEAST OF THE CENTERLINE OF THE MERMEST IMPROVED INTERPSECTING EMPETS. BELAIR ROAD WHICH IS WIDE. AS RELORDED IN DEED LIBER 7238. FOLIO 0625 AND INCLUDE DEAGUACHEMIS AND DIRECTIONS WAS DEGREES 45'W. 211'172', 5.54 DEGREES 25 W. 73' 51/7', 5.41 OBUSERS 2818. 2401111721 AME ALIP DEGREES FOR EL 194 TO INS PLACE OF BEGINNING HERE AND ON THE FLAT IN THE COMPECT LOCATION, ALSO KNOWN AS 95%; HORR AVERUE AND LOCATED IN THE 11TH ELECTION DISTRICT.

-2914)⊯ ve±oki∂li€9



Baltimore County Government Zoning Commissioner

December 28, 1990

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

T. ROBERT HAINES

/Zoning Commissioner

for Baltimore County

above-captioned matter. The Petition for Residential Variance has been

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

SE/S Horn Avenue, 170' SE of the c/l of Belair Road

11th Election District - 5th Councilmanic District

111 West Chesapeake Avenue

9531 Horn Avenue

Mr. & Mrs. Keith E. Yeager

Baltimore, Maryland 21236

(9531 Horn Avenue)

Case No. 91-183-A

Dear Mr. & Mrs. Yeager:

JRH:bjs

cc: People's Counsel

File

RE: PETITION FOR RESIDENTIAL VARIANCE

Keith E. Yeager, et ux - Petitioners

granted in accordance with the attached Order.

Towson, MD 21204

Office of Planning and Zoning

THAME OF GUA	KER: YEAGER			
	Please make checks pæyat	04A04#0689mICHRC EA CO10:20AM11-09-96 ble to: Baltimore County	\$63.00	
	ZONING DEPA	TIFICATE OF POSTING ARTMENT OF BALTIMORE COUNTY Towner, Maryland		
District 15	ZONING DEPA	Towner, Maryland	91-183-H ting 11/74/91	
Posted for:	Vonence Keith F. Ve	Townen, Maryland Date of Pos	ting /// 74/9/	
Posted for: Petitioner: Location of pro	Louisman Keith F. Venoperty: SF/S Horn	Towner, Maryland Date of Pos	ting /// 74/9/	
Posted for: Petitioner: Location of pro	Doning DEPA Louisnee Keith F. Ve Operty: SFIS Horn Hern Ari	Date of Post From 170' SE Bolow	Rd 11/74/91	
Posted for: Petitioner: Location of pro	Doning DEPA Louisnee Keith F. Ve Operty: SFIS Horn Hern Ari	Date of Post From 170' SE Bolow	Rd 11/74/91	
Posted for: Petitioner: Location of pro	Doning DEPA Louisnee Keith F. Ve Operty: SFIS Horn Hern Ari	Date of Post	Rd 11/74/91	

	4 20
PETITION FOR RESID	ENTIAL VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:	91-183-A
The undersigned, legal owner(s) of the property s the description and plat attached hereto and made a part	
1B02.3.C.1 To allow a proposed additi	on with a side yard setback of 8 ft.
and a rear yard setback of 27 ft. in lieu	of the required 10 ft. and 30 ft.,
respectively.	
of the Zoning Regulations of Baltimore County, to the Zon (indicate hardship or practical difficulty)	ing Law of Baltimore County, for the following a
1. Larger living space required d 2. Inadequate Storage Space.	lue to family growth.
	€. つ
Property is to be advertised and/or posted as prescr	ibed by Zoning Regulations.
I, or we, agree to pay expenses of the above Yarian of this petition, and further agree to and are to be boun Baltimore County adopted pursuant to the Zoning Law for B	d by the zoning regulations and restrictions of-
	I/We do solemnly declare and affirm, under penalties of perjury, that I/we are the le

887-3353

this Petition. Legal Owner(s): Contract Purchaser: (Type or Print Name) City/State/Zip Code Attorney for Petitioner: Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Keith E. Yeager Attorney's telephore number W. 488-0200 P705-67 DRDERED by the Zoning Commissioner of Baltimore County, this $\frac{g^{\pm h}}{2}$ day of $\frac{g}{2}$. 19 $\frac{g}{2}$, that the subject matter of this

petition be posted on the property on or before the 28 th day of Nov 19 96.

ZONING COMMISSIONER OF BALTIMONE COUNTY

owner(s) of the property which is the subject of

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at ____ o'clock,

ZONING COPPISSIONER OF BALTIMORE COUNTY

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

November 19, 1990

Mr. & Mrs. Keith E. Yeager 9531 Horn Avenue Baltimore, Maryland 21236

J. Robert Haines Zoning Commissioner



Re: CASE NUMBER: 91-183-A LOCATION: SE/S Horn Avenue, 170' SE of centerline Belair Road 9531 Horn Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 28, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 13, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > Very truly yours, G. G. Stephens (301) 887-3391

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 6, 1990

Mr. & Mrs. Keith E. Yeager 9531 Horn Avenue Baltimore, MD 21236

RE: Item No. 201, Case No. 91-183-A Petitioner: Keith E. Yeager, et ux Petition for Residential Variance

Dear Mr. & Mrs. Yeager:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Government Zoning Commissioner Office of Planning and Zoning 111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 9th day of November, 1990.

> ROBERT HAINES ZONING COMMISSIONER

Petitioner: Keith E. Yeager, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: December 3, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166 Earlie E. and Linda R. Towe, Item No. 170 Roland H. and Darlene Farlow, Item No. 171 Kwan Woo Lee, Item No. 173 Harry E. Belsinger, et al., Item No. 175 Gary D. and Kathleen M. Stewart, Item No. 178

Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182 Eileen C. Misler, Item No. 183 William M. and Constance M. Pitcher, Item No. 185 Key Federal Savings Bank, Item No. 186 Stephen D. and Wendy K. Mooney, Item No. 189 Brian D. and Tulia Briscoe, Item No. 193 Charles Henry and Vickie Jean Wallis, Item No. 195 Sharon Piaskowski, Item No. 196 Gary E. Stahl, Item No. 199 Keith E. and Terri L. Yeager, Item No. 201 Robert E. and Deborah L. Jennings, Item No. 202

Gloria P. Brown, Item No. 203 Robert E. and Karen F. Ege, Item No. 207 Javad Darbandi, Item No. 208 Thomas D. and Jeannette Considine, Item No. 209 Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSMUL.TPL/ZAC1

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

NOVEMBER 28, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

KEITH E. YEAGER

Dennis F. Rasmussen

#9531 HORN AVENUE Location:

RE: Property Owner:

Zoning Agenda: NOVEMBER 27, 1990 Item No.: 201

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fire Prevention Bureau Special Inspection Division

JK/KEK

EALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE

NOVEMBER 15, 1990

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

PERMITS & LICENSES

PROPERTY OWNER: Keith E. Yeager, et ux LOCATION: SE/S Horn Avenue, 170' SE of centerline Belair Road (#9531 Horn Avenue) ELECTION DISTRICT: 11th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

COUNCILMANIC DISTRICT: 5th

() PARKING LOCATION () NUMBER PARKING SPACES

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() BUILDING ACCESS () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(★) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS ARE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

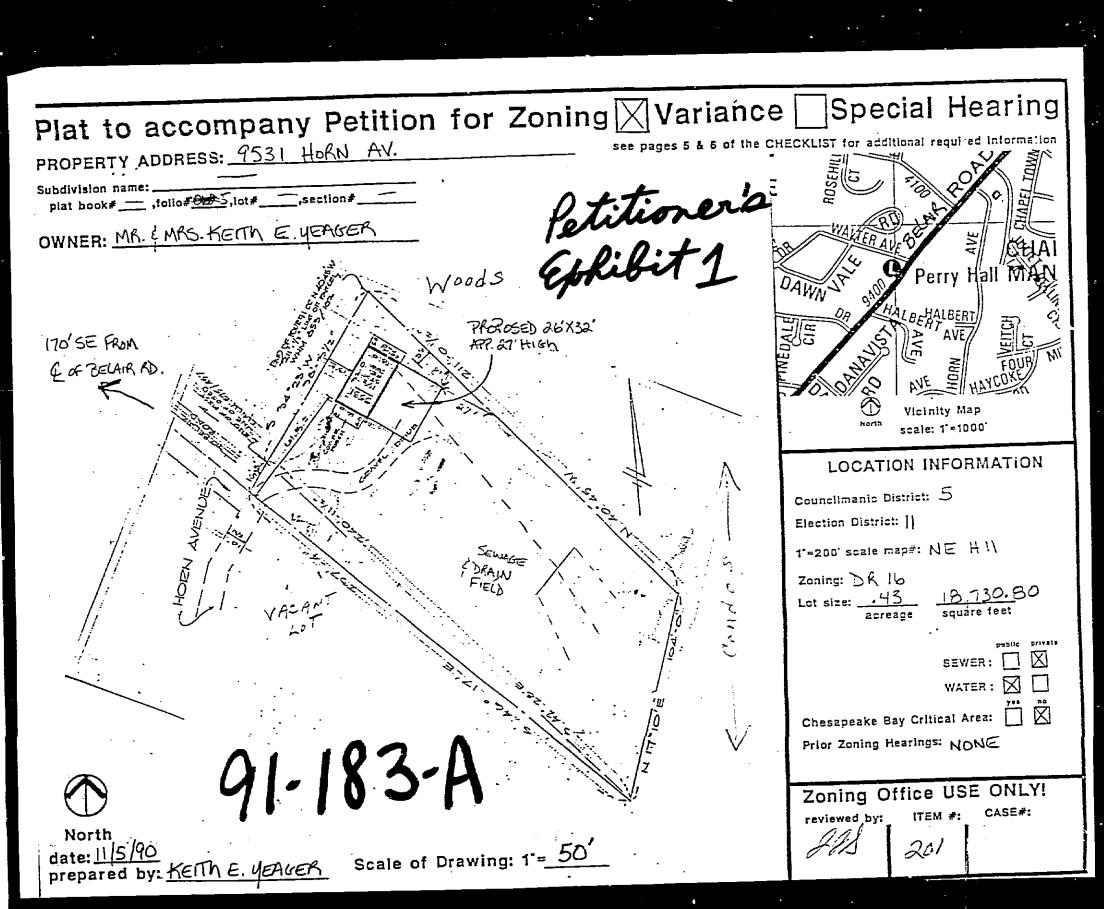
() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

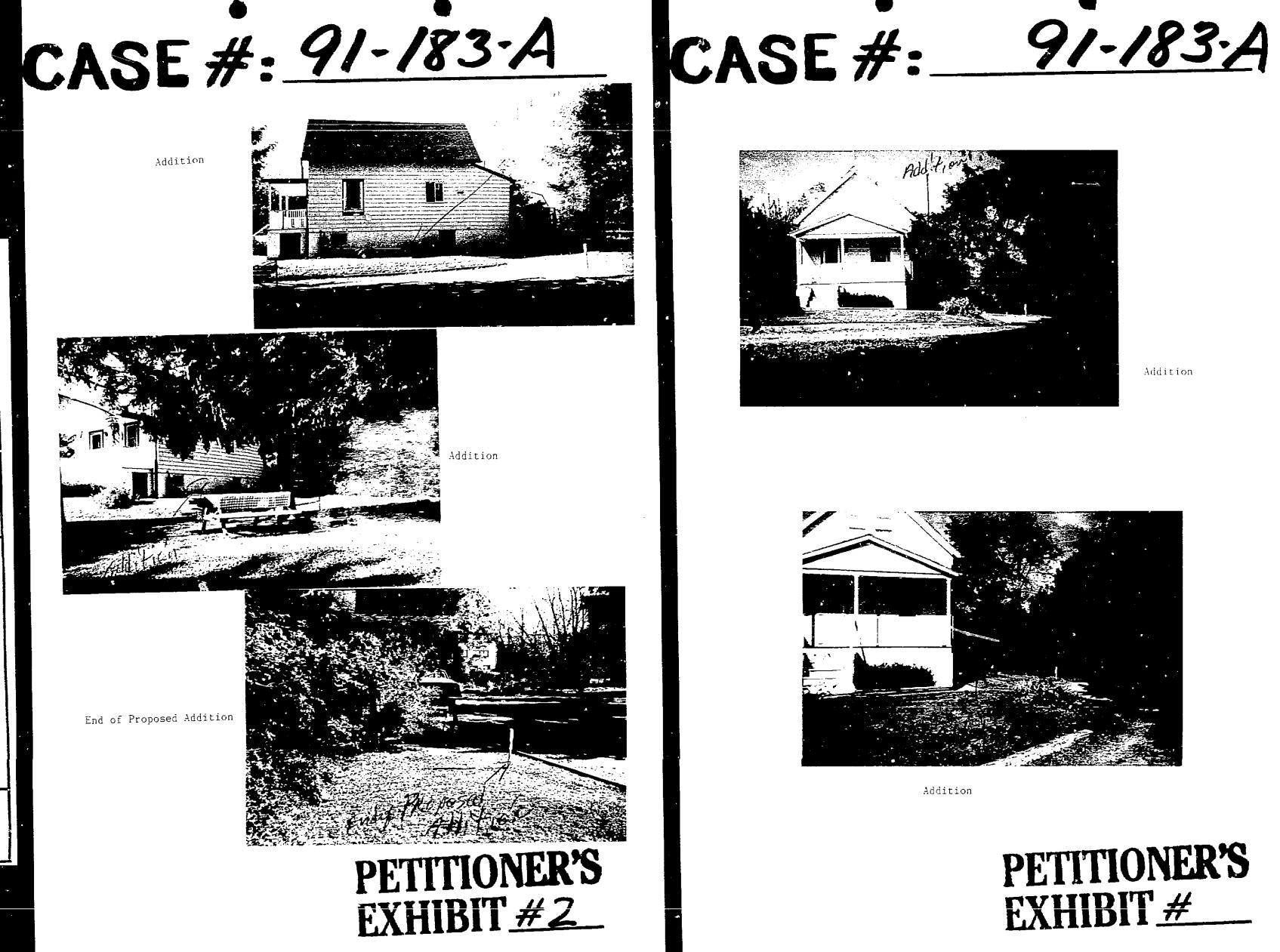
() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.





Addition

PETITIONER'S EXHIBIT #

